THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.34271 of 1997

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Dated 20-11-2007

Between:

D. Kaleshavali

…Petitioner

And

The Mandal Revenue Officer
and others.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.34271 of 1997

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ORDER:

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The petitioner is the owner of land in Sy.Nos.213/17, 18 and 23 of A. Narayanapuram Village of Anantapur Rural Mandal, Ananthapur District, admeasuring about 2.19 acres. He had set up a Stone Crushing Unit (for short '*the Unit*'), in it. This land adjoins Sy.No.45, a Government Poramboke, admeasuring about 1.29 acres. Through proceedings dated 14-08-1996, the 1st respondent granted house site pattas in favour of respondents 5 to 47, who were facing eviction from their residences, constructed over property belonging to the Indian Railways. The petitioner challenges the said proceedings on several grounds.

It is contended that several alternative lands are available for the Government to accommodate respondents 5 to 47, and despite the same, the land, in Sy.No.45, which was being used as an approach between the petitioner Unit and the National Highway;
is sought to be assigned as house site pattas. He further submits that in the event of the houses being constructed in Sy.No.45, the safety of the residents would be in peril.

On behalf of the respondents 1 to 4, a counter-affidavit is filed. It is stated that after exhausting all possibilities, the land in Sy.No.45 was chosen for rehabilitating respondents 5 to 47, who were facing eviction from the Railways. It is urged that, to meet the requirements of the petitioner, a passage of 12 feet was left, and the petitioner cannot

have any grievance about it.

Sri M. Vijay Kumar, learned counsel for the petitioner, submits that though a passage of 12 feet was left, it is totally inadequate, to permit passage of heavy load vehicles, as well as the local residents. He contends that the Unit is running for the past several decades, and it is not at all advisable to have residences around it. Several other contentions are also urged.

Learned Government Pleader for Revenue, on the other hand, submits that the petitioner cannot insist on the entire land, in Sy.No.45, being left as passage, for his unit. He contends that, admittedly, the land, that is sought to be assigned as house sites, belongs to Government, and the petitioner cannot have any plausible objection, more so, when a passage of 12 feet was left.

The petitioner does not claim any rights, *vis-à-vis* the land in Sy.No.45. There is no dispute that it belongs to Government. The necessity for the respondents 1 to 4 to allot house sites arose, on account of the fact that the respondents 5 to 47 were facing eviction by the Railways. Owning the social responsibilities, respondents 1 to 4 have taken necessary steps. It may be true that the petitioner was using the land in Sy.No.45 as access to his Unit from the National Highway. However, on that count, re-assignment of house site pattas over the entire land cannot be interfered with. The record discloses that a passage of 12 feet wide was already left, for the use, by the petitioner. This passage would be too narrow. Further, the road had to serve to the needs of the residents of the houses, that are going to be constructed in pursuance of the impugned proceedings. This Court is of the view that the interests of the parties can be protected by ensuring that the existing 12 feet wide road, is expanded at least to 20 feet.

For the foregoing reasons, the writ petition is disposed of, upholding the impugned proceedings, by directing respondents 1 to 4, to ensure that, the existing 12 feet wide approach road, which connects the Unit of the petitioner, with the National Highway; is expanded, at least to 20 feet. The petitioner, in turn, shall reciprocate by undertaking to lay a pucca C.C. road, or at least the metal road from the National Highway, up to his plant.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.20-11-2007.

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